

REMARKS

Claims 1-4, 6, 7 and 19-26 are rejected. New claims 27-34 have been added. It is believed that no new matter has been entered through the new claims. Further, upon belief, it is respectfully submitted that this paper is fully responsive to the outstanding Office Action.

Examiner Interview

Applicants graciously thank the Examiner for granting an Examiner Interview on June 27, 2008.

Claim Rejections under 35 U.S.C. §103

Claims 1-4, 6-7, and 19-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Finch, US 6,850,902, in view of Worger et al., US 5,664,113 and further in view of Kerkinni, US 2002/0107833 A1.

The rejection is respectfully traversed.

Independent claims 1 and 19

It is respectfully submitted that the cited art fails to describe or teach at least the recitation of claim 1 of, “a total operating hours determining step in which total operating hours by usage field for said each construction machine are determined based on the usage field data and the operating data for said each construction machine included in the usage data.”

A construction machine can be used in a plurality of usage fields (i.e., job field in which the construction machine is used), such as, for example, “civil engineering, construction”, “demolition”, “quarrying, mining”, and “agriculture”. In general, average amount of working loads which applied to a construction machine during the same working time length is different in those different usage fields (job fields). For example, usually, large amount of work loads in “demolition” field is applied than work loads in “agriculture” field. This means that damage level of a construction machine is different in different usage field. Therefore, Applicants can predict that a construction machine which was used only in “demolition” field for 1,000 hours would be more damaged than other construction machine which was only used in “agriculture” field for 1000 hours.

One of the features of claim 1 and 19 is determining the total operating hours in each of the usage fields for each construction machine. Another feature of claim 1 and 19 is displaying identification information of every usage field and the determined total operating hours in each of the usage fields on a display and providing the display to a customer.

By viewing the display of the present application, when a customer wants to select a construction machine, the customer finds out the total operating hours in each of the usage fields of each of the construction machines A and B. Therefore, for example, if total operating hours in “demolition” field of the constructions machine A and total operating hours in “agriculture” field of construction machine B are equal, and total operating hours in the other fields of construction machine A and B are zero, the customer will understand the damage level of construction machine A and B are different, and this helps his or her in making a better selection.

Kerkinni describes usage information report in Fig 10. The report displays the usage information such as odometer readings of the vehicle, personal miles, total miles, percent personal miles, personal credits, and beginning and ending dates of the reporting period. But, the report never displays the total operating hours in each of the usage fields. Therefore, a person having ordinary skill in the art cannot arrive at the embodiments described in the present application by incorporating Kerkinni's teaching into Finch's invention.

It is respectfully submitted that the cited art fails to describe or teach at least the recitation of claim 19 of, "determining total operating hours by usage field for said each construction machine based on the usage field data construction machine and the operating data for said each construction machine included in the usage data." The comments present above regarding independent claim 1 are applicable toward independent claim 19 where appropriate.

Also, the various dependent claims (e.g., claims 2-4, 6, 7, 20, 21 and 24) which depend respectively from independent claims 1 and 19 are patentable for at least the reason of their dependency therefrom.

Independent claims 22 and 25

It is respectfully submitted that the cited art fails to describe or teach at least the recitation of claim 22 of, "a total operating hours determining step in which total operating hours by attachment being attached to each construction machine are determined based on the attachment data and the operating data included in the usage data."

A construction machine can be attached to one or more attachments. Attachments, in general, can be attached and detached to construction machines. If an attachment attached to a construction machine has been used for a long time, the attachment is damaged and needs to be replaced with a new one.

One of the features of claim 22 and 25 is determining total operating hours in each of the attachments being attached to each construction machine. Another feature of claim 22 and 25 is displaying identification information of said one or more attachments and the total operating hours in each of the attachments on a display and providing the display to a customer.

By viewing the display of the present invention, when a customer wants to select a construction machine, the customer finds out the total operating hours in each of the attachments. Therefore, the customer will understand which attachment is damaged and needs to be replaced.

As mentioned above, Kerkinni describes usage information report. But the report never displays the total operating hours in each of the attachments. Therefore, a person having ordinary skills in the art would not be motivated to arrive at the embodiments of the present application by incorporating Kerkinni's teaching into Finch's invention.

Also, it is respectfully submitted that the cited art fails to describe or teach at least the recitation of claim 25 of, "determining total operating hours by attachment being attached to each construction machine based on the attachment data for said each construction machine and the operating data for said each construction machined included in the usage data."

Further, the dependent claims (23 and 26) are patentable for at least the reason of their dependency from their respective independent claims.

In view of the foregoing, it is respectfully submitted that the rejection is overcome.

Claims 3 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Finch, US 6,850,902, in view of Worger et al., US 5,664,113 and Kerkinni, US 2002/0107833 and further in view of Ukai, US 2003/0191581.

The rejection is respectfully traversed.

Claims 3 and 20 each depend from independent claims 1 and 19, respectively. As such, the claims are patentable for at least the reason of their respective dependencies. Further, the comments present above regarding independent claims 1 and 19 over Finch and Kerkinni are applicable here where appropriate. It is submitted that Ukai fails to remedy the deficiencies of Finch and Kerkinni.

In view of the foregoing, it is respectfully submitted that the rejection is overcome.

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Finch, US 6,850,902, in view of Worger et al., US 5,664,113 and further in view of Kerkinni, US 2002/0107833 A1 and further in view of Rose, US 6,076,064.

The rejection is respectfully traversed.

Claim 6 depends from independent claim 1. As such, the claim is patentable for at least the reason of its dependency. Further, the comments present above regarding independent claim 1 over Finch and Kerkinni are applicable here where appropriate. It is submitted that Rose fails to remedy the deficiencies of Finch and Kerkinni.

In view of the foregoing, it is respectfully submitted that the rejection is overcome.

New Claims

New claims 27-34 are herein added. It is respectfully submitted that the cited art fails to describe or teach the various recitations of said new claims.

In view of the foregoing, it is respectfully submitted that the new claims are patentable.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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